

REMARKS

Claims 33 and 36-39 have been canceled without prejudice. Claims 34-35 have been amended. New claims 40-41 have been added. Claims 22-23, 25-29, 31, 34-35 and 40-41 are pending. Reexamination and allowance of the pending claims are respectfully requested.

First, the allowance of claims 22-23 and 25-29 is gratefully acknowledged.

Patterson+Lin

Claims 31 and 33-39 stand rejected under 35 U.S.C 103(a) as being unpatentable over USP 5,105,975 to Patterson ("Patterson") in view of USP 6,132,125 to Lin ("Lin"). This rejection is respectfully traversed.

Independent claims 34 and 35 have been amended to incorporate the limitations of claims 33 and 36-39, which recite that (i) each of the shafts and the first and second tubes has a curved cross-section, (ii) each tube has the same length, and (iii) each tube is offset from the center of the inner chamber (hereinafter the "Newly-Added Limitations").

First, Applicant hereby incorporates the arguments set forth in the Amendment dated October 30, 2007, which still apply to amended claims 34 and 35. For the sake of brevity, Applicant will not repeat those arguments here.

Second, Applicant respectfully submits that the Newly-Added Limitations are not present in either Patterson or Lin, and any attempt to argue that these limitations are obvious or inherent would be the result of impermissible hindsight reconstruction.

Third, Applicant respectfully submits that the Newly-Added Limitations, combined with the arguments presented on October 30, 2007, clearly overcome the present rejection based on a combination of Patterson and Lin. The combination of Patterson and Lin would still fail to yield many important limitations and features.

Thus, claims 34 and 35, and claims 31, 33 and 40-41 depending therefrom, are submitted to be allowable over Patterson and Lin.

Little Kids Tumbler

Claims 31 and 33-39 stand rejected under 35 U.S.C 103(a) as being unpatentable over the Little Kids Original No-Spill Bubble Tumbler ("Little Kids Tumbler"). This rejection is respectfully traversed.

As set forth in the Amendment dated October 30, 2007, the document illustrating the Little Kids Tumbler that the Examiner relies upon for the rejection is dated 1/19/07 ("the Document"). One page of this Document lists awards for Little Kids' products, including a "No-Spill Bubble Tumbler" dating back to 1993. However, there is nothing

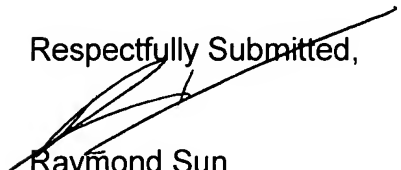
which shows or describes the structure, construction or configuration of the "No-Spill Bubble Tumbler" from 1993 ("the 1993 Tumbler"), and it is not known what features were present in that 1993 Tumbler. The Document only shows a product called "The Original No-Spill Bubble Tumbler" that has a copyright notice of 2004, which is AFTER the priority date of the present application. The Document does not establish what features would have been present in the 1993 Tumbler, because there is nothing to evidence that the construction, configuration and structure of the Little Kids Tumblers from 1993 and 2004 are the same. In fact, the construction, configuration and structure of the tumblers may have been changed and made different.

In addition, the 1993 Tumbler would not even have the Newly-Added Limitations. Therefore, even if the Document can be considered to be prior art, it falls far short of disclosing most of the limitations in amended claims 34 and 35, and any attempt to argue that these limitations are obvious or inherent would be the result of impermissible hindsight reconstruction.

Thus, claims 34 and 35, and claims 31, 33 and 40-41 depending therefrom, are submitted to be allowable over the Document.

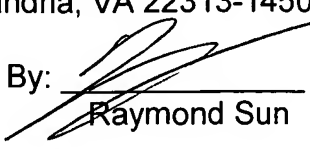
In light of the above reasons, all pending claims are submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if the Examiner has any proposed amendments that may be needed to place this application in condition for allowance.

Respectfully Submitted,


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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: April 2, 2008 By: 
Raymond Sun